

Assembly Bill No. 1900

CHAPTER 323

An act to amend Section 76104.1 of the Government Code, and to amend Section 42007.5 of the Vehicle Code, relating to penalty assessments.

[Approved by Governor September 26, 2008. Filed with
Secretary of State September 26, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1900, Nava. Penalty assessments: Santa Barbara County Level II Trauma Center.

Existing law generally provides, for purposes of supporting emergency medical services in Santa Barbara County, that a specified penalty shall be imposed on every fine, penalty, or forfeiture collected for all criminal offenses, including, except as specified, all offenses involving a violation of the Vehicle Code, and shall be specially distributed, as specified. These provisions are scheduled to be repealed on January 1, 2009.

This bill would extend the repeal dates of the above provisions until January 1, 2011. The bill would provide that the above penalty assessment shall not be applicable to offenses involving a violation of the Vehicle Code, except for specified offenses involving alcohol or drugs, and would delete the above distribution procedure. The bill would make conforming changes to a related provision. The bill would make specified findings and declarations, including that, for specified reasons, the special legislation contained in the act is necessarily applicable only to Santa Barbara County. By extending the above penalty assessment provisions indefinitely, and by revising the offenses subject to the penalty assessment and the current penalty assessment distribution procedure, this bill would impose new duties on local officials relating to the imposition of penalty assessments, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) This is the third time that the County of Santa Barbara has sought extraordinary assistance from the Legislature in obtaining Maddy Emergency Medical Services funding.

(b) The county is the only county in the state that is receiving this unique funding.

(c) It is the intent of the Legislature in passing another extension on this penalty assessment that the County of Santa Barbara secure a permanent local funding mechanism to ensure the continuation of trauma care in the region before the repeal of Section 76104.1 of the Government Code.

SEC. 2. Section 76104.1 of the Government Code is amended to read:

76104.1. (a) (1) Except as otherwise provided in this section, and notwithstanding any other law, for purposes of supporting emergency medical services pursuant to Chapter 2.5 (commencing with Section 1797.98a) of Division 2.5 of the Health and Safety Code, in Santa Barbara County, a penalty in the amount of five dollars (\$5) for every ten dollars (\$10), or part of ten dollars (\$10), shall be imposed on every fine, penalty, or forfeiture collected for all criminal offenses. This penalty assessment shall not apply to offenses involving a violation of the Vehicle Code, except for violations of Sections 23103.5, 23136, 23140, 23152, and 23153. This penalty assessment shall be collected together with and in the same manner as the amount established by Section 1464 of the Penal Code.

(2) The penalty imposed by this section does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Any parking offense subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(b) The moneys collected pursuant to this section shall be held by the county treasurer in the same manner, and shall be payable for the same purposes, described in subdivision (e) of Section 76104.

(c) This section shall be implemented only if the Santa Barbara County Board of Supervisors adopts a resolution stating that implementation of this section is necessary to the county for purposes of providing payment for emergency medical services.

(d) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 3. Section 42007.5 of the Vehicle Code is amended to read:

42007.5. (a) Notwithstanding paragraph (2) of subdivision (b) of Section 42007, in Santa Barbara County, upon the establishment of a Maddy Emergency Medical Services Fund pursuant to Section 1797.98a of the Health and Safety Code, the amount that would have been collected pursuant to Section 76104.1 of the Government Code shall be deposited in the Maddy Emergency Medical Services Fund established by the county pursuant to Section 1797.98a of the Health and Safety Code.

(b) The Board of Supervisors of the County of Santa Barbara shall report to the Legislature whether, and to the extent that, any actions are taken by the County of Santa Barbara to implement alternative local sources of funding.

(c) This section shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.

SEC. 4. The Legislature finds and declares that due to unique circumstances regarding emergency medical services in the County of Santa Barbara, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the special legislation contained in Sections 2 and 3 of this act is necessarily applicable only to the County of Santa Barbara.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.